

IN THE MATTER OF THE APPLICATION OF MARYLAND HOMES FOR HANDICAPPED FOR A ZONING VARIANCE ON PROPERTY LOCATED ON THE WEST SIDE OF GERST AVENUE, 1054' + NORTH OF SILVER SPRING ROAD (734 GERST AVENUE) 11TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 90-106-A

OPINION

This case comes before this Board on appeal from a decision of the Deputy Zoning Commissioner granting the requested variances with restrictions.

The variances requested are as follows:

- 1) to permit a distance between buildings of 5 feet in lieu of the required 16 feet which in this case affects only the three small greenhouses shown on Petitioner's Exhibit No. 1.
- 2) a variance from Section 404.1.A to permit a zero foot setback for the driveway in lieu of the required 25 foot setback. The Board will note that the driveway as it exists is a common driveway used by both this property owner and the adjoining neighbor.
- 3) to permit a 10 foot rear setback for the large greenhouse shown on Petitioner's Exhibit No. 1 in lieu of the required 30 foot setback.
- 4) a variance from Section 404.1.C to permit unloading of vehicles within 50 feet of the property line.

Testimony was taken from James Thompson, Zoning Enforcement Coordinator, who testified that in his personal knowledge the site has been used as a wholesale flower farm under a nonconforming use

Maryland Homes for Handicapped, Case No. 90-106-A

and further introduced into evidence a decision granted by the then Zoning Commissioner of Baltimore County, Eric DiNenna, in 1976 approving the use of the property as a flower farm and that at that time no zoning violations existed on the property. He further testified that when he inspected the site in the late 1970's, a group of greenhouses on the north side of the property were located directly abutting the property line or very close to the property line and that since that time those greenhouses have been replaced by one large greenhouse as shown on Petitioner's Exhibit No. 1 which is located 10 feet from the property line. David Wamsley, Executive Director of Maryland Homes for the Handicapped, testified that the property was acquired in 1984, was at that time used as a wholesale flower farm and that it was his intention to continue the use as a wholesale flower farm and to conduct on-the-job training there for developed mentally disabled persons. He further testified that the residence located on the site would be rented to a supervisor of the operation and that no handicapped people would live on the site. He further testified as to the improvements that have been made to the property and also testified that they intend to replace the three small greenhouses shown on Petitioner's Exhibit No. 1 with one large greenhouse very similar to the one adjacent to the three small ones. Mrs. Frank R. Barbagallo testified that she objects to the noise from the exhaust fans in the new large greenhouse, the two propane tanks situated on the Petitioner's site and stated that her home was now for sale and that this neighboring use was detrimental to her property. Cross-

Maryland Homes for Handicapped, Case No. 90-106-A

Examination interestingly enough indicated that Mrs. Barbagallo erected her new home 13 feet from the property line when the wholesale flower farm was already in existence. Norton Cain, the abutting property owner at 8730, testified that he had lived there since 1966 and that there had always been a nursery operation on the subject site. His principal complaint concerned the water runoff which comes down the common driveway between the two properties and spills over and floods his garage. He further testified that in order to relocate this driveway, some very large trees would have to be removed. This basically concluded testimony in this case. An area variance may be granted where strict application of the Zoning Regulations would cause practical difficulty to the Petitioner and his property. The Board will find as a fact that there would be no detrimental effect upon the neighbors if these variances are granted. The small flower farm on this site has been in existence many, many years and the changes that have been made to the site do not significantly alter any of its use and actually may increase its value. The Board is therefore of the opinion that the requested variances should be granted and will so order.

ORDER

It is therefore this 1st day of February, 1991 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Zoning Variance to permit a distance between buildings of 5 feet in lieu of the required 16 feet; an internal roadway setback of 0 feet in lieu of the required 25 feet; a rear yard setback of 10 feet in lieu of the required 30 feet; and to permit

Maryland Homes for Handicapped, Case No. 90-106-A

unloading within 50 feet of a property line in lieu of the required minimum of 100 feet, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) A temporary gravel swale will be created which will divert water flow from going down the driveway onto adjoining properties. The temporary swale will be replaced with a permanent drainage ditch and the driveway will be paved with asphalt with a swale or rise in the blacktop to re-divert the drainage from numerous properties in the area into a drainage ditch connected with the Baltimore County storm drains and sewer systems along Gerst Avenue. This will be completed as the approvals from Baltimore County permit.
- 2) Petitioners will install an 8-foot high fence (or a fence to the maximum height permitted) between the properties at 8730 and 8732 Gerst Avenue. This fence will be on a 1-foot setback.
- 3) Petitioners will fence the rear of the properties at 8728 and 8730 Gerst Avenue which adjoins Petitioners' property at 8732 as the common property line. All fencing will be alternating board fencing with cut edges. The fencing will initially be left natural and if it does not produce consistent weathering, it will be stained with a clear finish.
- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

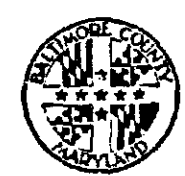
Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

John G. Disney
John G. Disney

Lynn B. Moreland
Lynn B. Moreland



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
1111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

February 1, 1991

Mr. and Mrs. Frank Barbagallo
8736 1/2 Gerst Avenue
Perry Hall, Maryland 21128

Re: Case No. 90-106-A (Maryland Homes for Handicapped)

Dear Mr. and Mrs. Barbagallo:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Linda Lee M. Kuszmaul
LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: Steven C. Hilsee, Esquire
Robert W. Cannon, Esquire
David H. Wamsley, Exec. Dir.
Maryland Homes for Handicapped
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

IN RE: PETITION FOR ZONING VARIANCE
W/S Gerst Avenue, 1054' +/- N
of Silver Spring Road
(8734 Gerst Avenue)
11th Election District
5th Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-106-A

Maryland Homes for Handicapped
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a distance between buildings of 5 feet in lieu of the required 16 feet; an internal roadway setback of 0 feet in lieu of the required 25 feet; a rear yard setback of 10 feet in lieu of the required 30 feet; and to permit unloading within 50 feet of a property line in lieu of the required minimum of 100 feet, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by David H. Wamsley, Executive Director, appeared, testified, and were represented by Robert W. Cannon, Esquire. Also appearing on behalf of the Petition were William J. Weh, Board of Directors, and Sharalyn I. Jenson, Director of Day Program. The following appeared as Protestants: Charles and Norton Cain, William Burkhouse, Robert Kerwin, and MaryAnn Barbagallo.

Testimony indicated that the subject property, known as 8734 Gerst Avenue, consists of 2.16 acres zoned D.R. 5.5 and is improved with an existing dwelling on the front of the property, and an accessory building and five greenhouse structures to the rear of the property. Said property is presently used by Petitioners as a wholesale flower farm for its handicapped members while the existing dwelling is leased to a private tenant. Petitioners purchased the subject property in approximately 1983 at which time the property contained only the four smaller greenhouses as

depicted in Petitioner's Exhibit 1. Testimony indicated that Petitioners subsequently constructed the larger greenhouse, which is approximately 10 feet from the property line.

As a result of a complaint filed by an adjoining property owner, Petitioners filed the instant Petition in an effort to resolve the matter. Petitioners testified that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community. Petitioners further argued that to deny the requested variances and require removal or relocation of the greenhouses will result in practical difficulty and unreasonable hardship to them.

The Protestants voiced objections to the condition of the property and Petitioners' failure to remedy the situation. Further, the Protestants were concerned about the water flow in the driveway.

Petitioners' Counsel indicated Petitioners would attempt to address the Protestants' concerns and obtain funding to improve the property's condition. Subsequent to the hearing, Counsel for Petitioners submitted a letter dated February 7, 1990 setting forth Petitioners' agreed upon improvements to the property to address the concerns of the Protestants.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1st day of April, 1990 that the Petition for Zoning Variance to permit a distance between buildings of 5 feet in lieu of the required 16 feet; an internal roadway setback of 0 feet in lieu of the required 25 feet; a rear yard setback of 10 feet in lieu of the required 30 feet; and to permit unloading within 50 feet of a property line in lieu of the required minimum of 100 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) A temporary gravel swale will be created which will divert water flow from going down the driveway onto adjoining properties. The temporary swale will be replaced with a permanent drainage ditch and the driveway will be paved with asphalt with a swale or rise in the blacktop to re-divert the drainage from numerous properties in the area into a drainage ditch

ORDER RECEIVED FOR FILING
Date Feb 1 1991
By [Signature]

ORDER RECEIVED FOR FILING
Date Feb 1 1991
By [Signature]

ORDER RECEIVED FOR FILING
Date Feb 1 1991
By [Signature]

MICROFILMED - 2 -

MICROFILMED

- 3 -

connected with the Baltimore County storm drains and sewer systems along Gerst Avenue. This will be completed as the approvals from Baltimore County permit.

3) Petitioners will install an 8-foot high fence (or a fence to the maximum height permitted) between the properties at 8730 and 8732 Gerst Avenue. This fence will be on a 1-foot setback.

4) Petitioners will fence the rear of the properties at 8728 and 8730 Gerst Avenue which adjoins Petitioners' property at 8732 as the common property line. All fencing will be alternating board fencing with cut edges. The fencing will initially be left natural and if it does not produce consistent weathering, it will be stained with a clear finish.

5) Petitioners shall make application for permits to comply with Restriction Nos. 2, 3 and 4 on or before August 15, 1990. Thereafter, Petitioners shall diligently pursue completion of these improvements.

6) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjjs

ORDER RECEIVED FOR FILING
Date 10/14/89
By [Signature]

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 11th Date of Posting 9/1/89
Posted for Appeal
Petitioner Maryland Homes For Handicapped, Inc.
Location of property W/S Gerst Ave., 1054' +/- N of Silver Spring Ave.
8734 Gerst Ave.
Location of Sign Gerst Ave. at 8734 Gerst Ave.
Remarks See map for location
Posted by [Signature] Date of return 9/1/89
Number of Signs 1

90-106-A

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, in accordance with the Zoning Ordinance, hereby gives notice of a public hearing on the proposed petition for a zoning variance to be held on the 29th day of August, 1989, at 11:00 A.M. in the County Office Building, 100 South Charles Street, Baltimore, Maryland 21201.
The petition is for a zoning variance to allow a building to be constructed on the property located at 8734 Gerst Avenue, Baltimore, Maryland 21201, which is currently zoned R-1. The petition is for a zoning variance to allow a building to be constructed on the property located at 8734 Gerst Avenue, Baltimore, Maryland 21201, which is currently zoned R-1. The petition is for a zoning variance to allow a building to be constructed on the property located at 8734 Gerst Avenue, Baltimore, Maryland 21201, which is currently zoned R-1.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
JH 8228, August 28, 1989

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 29, 1989.

THE JEFFERSONIAN
NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zeke Orlan
Publisher

PO 16225
reg M34145
ca 90-106-A
price \$82.35

MICROFILMED

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
90-106-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.2.B. (USE, CODE, ADA, IS, etc.)

To allow a 5 ft. distance between buildings, a 0 ft. setback for an internal road, a 10 ft. setback and to permit unloading within 50 ft. of a property line in lieu of the required 10 ft., 25 ft., 10 ft. and 50 ft., respectively.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) strict compliance with the setback and building separation requirements contained in the Zoning Regulations will result in practical difficulty and unreasonable hardship because the Petitioner will be forced to move or demolish one or more existing greenhouse buildings located on the subject property. Granting the requested area variances will be in strict harmony with the Zoning Regulations and will not result in substantial injury to public health, safety, and general welfare.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/We are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____ Legal Owner(s): _____
(Type or Print Name) Maryland Homes for Handicapped, Inc.
(Type or Print Name)
Signature _____ By: _____
Address _____ (Type or Print Name)
City and State _____ Signature _____

Attorney for Petitioner: _____
* Steven C. Hulse, Esquire 35 E. 25th Street (301) 366-2419
(Type or Print Name) Address Phone No.
Signature _____ Baltimore, Maryland 21218
City and State
100 South Charles Street Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address _____ Steven C. Hulse, Esquire
Baltimore, Maryland 21201 Name
City and State 100 South Charles Street
Attorney's Telephone No.: (301) 332-8787 Baltimore, Maryland 21201 (301) 332-8787
Address

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of September, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of September, 1989, at 10:00 A.M.
J. Robert Haines
Zoning Commissioner of Baltimore County

* Robert W. Cannon, Esquire also enters his appearance on behalf of Petitioner. Robert W. Cannon, 100 South Charles Street, Baltimore, Maryland 21201, (301) 332-8816.

MICROFILMED

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept 7, 1989.

THE JEFFERSONIAN
CATONSVILLE TIMES

S. Zeke Orlan
Publisher

PO 17162
ca 90-105-X
price \$58.23

MICROFILMED

Phone: 687-6922

FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

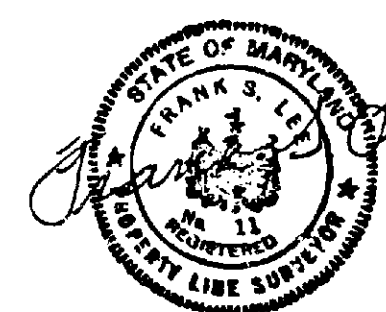
March 24, 1989

No. 8734 Gerst Avenue
11th District Baltimore County, Maryland

Beginning for the same on the west side of Gerst Avenue at the distance of 1054.93 feet more or less measured northerly along the west side of Gerst Avenue from the north side of Silver Spring Road, thence running and binding on the west side of Gerst Avenue North 8 degrees 03 minutes 30 seconds East 132 feet more or less, thence leaving Gerst Avenue for five lines of division as follows: North 84 degrees 00 minutes 00 seconds West 459.46 feet, South 6 degrees 51 minutes 15 seconds West 285.85 feet, South 81 degrees 56 minutes 30 seconds East 207.90 feet, North 8 degrees 03 minutes 30 seconds East 161.50 feet and South 84 degrees 00 minutes 00 seconds East 240 feet to the place of beginning.

Containing 2.16 acres of land more or less.

MICROFILMED



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 11th Date of Posting 6/15/89
Posted for Appeal
Petitioner Maryland Homes For Handicapped, Inc.
Location of property W/S Gerst Ave., 1054' +/- N of Silver Spring Ave.
8734 Gerst Ave.
Location of Sign Gerst Ave. at 8734 Gerst Ave.
Remarks See map for location
Posted by [Signature] Date of return 6/15/89
Number of Signs 1

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: **2491**

Date: 5/14/90

APPEAL FEES:

QTY	PRICE
140 - OF ALL OTHER ORDERS	1 X \$125.00
150 - POSTING SIGNS / ADVERTISING	1 X \$25.00
TOTAL:	\$150.00

LAST NAME OF OWNER: MARYLAND HOMES

033*****1500018 5158F

Please make checks payable to: Baltimore County

Cashier Validation:

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 5-23-89 ACCOUNT: R-01-615-000

AMOUNT: \$ 100.00

RECEIVED FROM: Weinberg & Olson

FOR: Petition for Variance - 515

8 115*****1000018 0232F

VALIDATION ON SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 7/22/89 ACCOUNT: R-001-615-000

AMOUNT: \$ 107.35

RECEIVED FROM: Md. Homes for Handicapped, Inc.

FOR: 7/22/89 Hearing Case 90-106-A

8 107*****1072518 8252F

VALIDATION ON SIGNATURE OF CASHIER

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Maryland Homes for Handicapped, Inc.
35 E. 25th Street
Baltimore, Maryland 21218

ATTN: DAVID H. WANSLEY

Re: Petition for Zoning Variance
CASE NUMBER 90-106-A
45 Gerst Avenue, 1054' x N of Silver Spring Avenue
8734 Gerst Avenue
11th Election District - 5th Council
Petitioner(s): Maryland Homes for Handicapped, Inc.
HEARING SCHEDULED: FRIDAY, SEPTEMBER 22, 1989 at 2:00 p.m.

Gentlemen:

Please be advised that \$107.35 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs
cc: Steven C. Hilsee, Esq.
file

MICROFILMED

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 10, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER 90-106-A
45 Gerst Avenue, 1054' x N of Silver Spring Avenue
8734 Gerst Avenue
11th Election District - 5th Council
Petitioner(s): Maryland Homes for Handicapped, Inc.
HEARING SCHEDULED: FRIDAY, SEPTEMBER 22, 1989 at 2:00 p.m.

Variances To allow a 5 ft. distance between buildings, a 0 ft. setback for an internal roadway, a 10 ft. setback and to permit unloading within 50 ft. of a property line in lieu of the required 16 ft., 25 ft., 10 ft. and 50 ft. respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs
cc: Maryland Homes for Handicapped, Inc.
Steven C. Hilsee, Esq.
Robert W. Cannon, Esq.
file

MICROFILMED

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3353

HEARING ROOM - Room 301
County Office Building
August 22, 1990
NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 90-106-A
MARYLAND HOMES FOR HANDICAPPED
W/s Gerst Ave., 1054' x N of Silver Spring Road (8734 Gerst Avenue)
11th Election District
5th Councilmanic District

VAR-Distance between buildings; setbacks; unloading distance
4/20/90 - D.Z.C.'s Order GRANTING Petition with restrictions.

ASSIGNED FOR: WEDNESDAY, JANUARY 2, 1991 at 10:00 a.m.

cc: Mr. and Mrs. Frank Barbagallo Protestants/Appellants
Steven C. Hilsee, Esquire Counsel for Petitioner
Robert W. Cannon, Esquire " " "
David H. Wansley, Exec. Dir. Petitioner
Maryland Homes for Handicapped, Inc.

P. David Fields
Pat Keller
People's Counsel for Baltimore County out per Shirley Hales 8/22/90
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
Legal Secretary

W/s Gerst Ave., 1054' x N of Silver Spring Rd.
(8734 Gerst Ave.)
CASE NO. 90-106-A
MARYLAND HOMES FOR HANDICAPPED
11th Election District
Appealed: 8/15/90

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 11, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

Steven C. Hilsee, Esquire
100 South Charles Street
Baltimore, MD 21201

RE: Item No. 515, Case No. 90-106-A
Petitioner: Maryland Homes
Petition for Zoning Variance

Dear Mr. Hilsee:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. David H. Wansley
Maryland Homes for Handicapped, Inc.
35 E. 25th Street
Baltimore, MD 21218

MICROFILMED

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Your petition has been received and accepted for filing this 12th day of July, 1989.

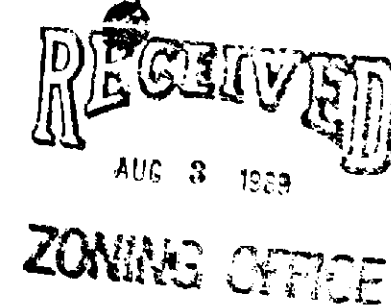
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Maryland Homes, et al
Petitioner's Attorney: Steve C. Hilsee

MICROFILMED

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554



July 31, 1989



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 515, 574, 575, 576, 577, 578, 579, 580, 581, and 582.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lab

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500
Paul H. Retzke
Chief

JULY 19, 1989



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MARYLAND HOMES FOR HANDICAPPED, INC.
Location: #8734 GERST AVENUE
Item No.: 515 Zoning Agenda: JULY 11, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *CH 100 7-2-89* Noted and Approved
Planning/Code Fire Prevention Bureau
Special Inspection Division

JK/KEK

JUL 21 1989

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
County Office Building, Room 315
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

June 11, 1990



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
W/S Gerst Avenue, 1054' +/- N of Silver Spring Road
(8734 Gerst Avenue)
11th Election District, 5th Councilmanic District
MARYLAND HOMES FOR HANDICAPPED - Petitioner
Case No. 90-106-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on May 15, 1990 by Mr. & Mrs. Frank Barbagallo, Protestants. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: David H. Wamsley, Executive Director
Maryland Homes for Handicapped, Inc.
35 E. 25th Street, Baltimore, MD 21218
Steven C. Hilsee, 100 South Charles Street, Baltimore, MD 21201
Robert W. Cannon, 100 South Charles Street, Baltimore, MD 21201
Mr. & Mrs. Frank Barbagallo
8736 1/2 Gerst Avenue, Perry Hall, MD 21128
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

90 JUN 11 PM 3 05
RECEIVED

00:11:12/29/90
09439:87818

Petition for Zoning Variance
Maryland Homes for Handicapped
W/S Gerst Ave., 1054' +/- N of
(8734 Gerst Avenue)
11th Election District
5TH Councilmanic District

BEFORE THE
COUNTY BOARD OF APPEALS
OF
CASE NUMBER: 90-106-A

SUBPOENA DUCES TECUM

TO: James H. Thompson
Baltimore County Zoning Administration
Office of Planning and Zoning
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

You are hereby commanded personally to appear before the County Board of Appeals of Baltimore County, at Room 301 in the County Office Building, located at 111 West Chesapeake Avenue, in Towson, Maryland 21204, on Wednesday, January 2, 1991, at 10:00 a.m. to testify for the Petitioners in the above-entitled case, there and then pending before the County Board of Appeals of Baltimore County, and you are hereby commanded to bring with you the following documents: the file for the proceedings before the Zoning Commissioner of Baltimore County known as #76-57-V and C-75-557 entitled "Alleged Zoning Violation, 375 Gerst Avenue, 11th Election District, Mr. Robert Dansberger, Box 375 Gerst Avenue, Perry Hall, Maryland 21128, Defendant," this Subpoena to remain in effect until you are granted leave to depart by the chairman of the County Board of Appeals, or by someone acting on his behalf.

Issued by the Hon. William T. Hackett, Chairman of the County Board of Appeals of Baltimore County, this day of December, 1990.

William T. Hackett
William T. Hackett
Chairman of the County Board of Appeals of Baltimore County

TO THE CHAIRMAN OF THE COUNTY
BOARD OF APPEALS OF BALTIMORE COUNTY

I hereby certify that I served the foregoing Subpoena on James H. Thompson this day of December, 1990.

66 46 17 18 330 05
RECEIVED

APPEAL

Petition for Zoning Variance
W/S Gerst Avenue, 1054' +/- N of Silver Spring Road
(8734 Gerst Avenue)
11th Election District - 5th Councilmanic District
MARYLAND HOMES FOR HANDICAPPED - Petitioner
Case No. 90-106-A

- ✓ Petition for Zoning Variance
 - ✓ Description of Property
 - ✓ Certificate of Posting
 - ✓ Certificate of Publication
 - Entry of Appearance of People's Counsel (None submitted)
 - ✓ Zoning Plans Advisory Committee Comments
 - Director of Planning & Zoning Comments (None in file)
 - ✓ Petitioner's Exhibits: 1. Plat to accompany Petitioner
 - ✓ Deputy Zoning Commissioner's Order dated April 20, 1990 (Granted with restrictions)
 - ✓ Notice of Appeal received May 15, 1990 from Mr. & Mrs. Frank Barbagallo
- cc: David H. Wamsley, Executive Director
Maryland Homes for Handicapped, Inc.
35 E. 25th Street, Baltimore, MD 21218
Steven C. Hilsee, 100 South Charles Street, Baltimore, MD 21201
Robert W. Cannon, 100 South Charles Street, Baltimore, MD 21201
* Mr. & Mrs. Frank Barbagallo
8736 1/2 Gerst Avenue, Perry Hall, MD 21128
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204
Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney

8/22/90 - Following parties notified of hearing set for January 2, 1991 at 10:00 a.m.:

Mr. and Mrs. Frank Barbagallo
Steven C. Hilsee, Esquire
Robert W. Cannon, Esquire
David H. Wamsley, Exec. Dir.
Maryland Homes for Handicapped, Inc.
P. David Fields
Pat Keller
People's Counsel for Baltimore County
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

APPEAL

Petition for Zoning Variance
W/S Gerst Avenue, 1054' +/- N of Silver Spring Road
(8734 Gerst Avenue)
11th Election District - 5th Councilmanic District
MARYLAND HOMES FOR HANDICAPPED - Petitioner
Case No. 90-106-A

Petition for Zoning Variance
Description of Property
Certificate of Posting
Certificate of Publication
Entry of Appearance of People's Counsel (None submitted)
Zoning Plans Advisory Committee Comments
Director of Planning & Zoning Comments
Petitioner's Exhibits: 1. Plat to accompany Petitioner
Deputy Zoning Commissioner's Order dated April 20, 1990 (Granted with restrictions)
Notice of Appeal received May 15, 1990 from Mr. & Mrs. Frank Barbagallo
cc: David H. Wamsley, Executive Director
Maryland Homes for Handicapped, Inc.
35 E. 25th Street, Baltimore, MD 21218
Steven C. Hilsee, 100 South Charles Street, Baltimore, MD 21201
Robert W. Cannon, 100 South Charles Street, Baltimore, MD 21201
Mr. & Mrs. Frank Barbagallo
8736 1/2 Gerst Avenue, Perry Hall, MD 21128
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204
Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney

MICROFILMED

90-106-A

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. Wirth / SWM (2) (Pre-App Permit only) DATE: November 26, 1991
Mr. Powell / EID
Mr. Pilon / MES
Mr. Flowers / CECA
Mr. Maranto / Planning
Mr. Richards / Zoning
Mr. Bowling / CED (2)
Mr. Famill / Traffic
Mr. Weiss / Sanitation
Mr. Beaumont / Land Acq.
Ms. Lutz / House Nos.
Capt. Kelly / Fire Dept.
Mr. Kincer / Rec. & Parks
Mr. Brocato / SHA
Mr. Butcher / CSP
Mr. Kallie / CP2 Deputy Director (FYI)

FROM: Susan Wimbley
Bureau of Public Services

SUBJECT: District: 1105
Project Name: Maryland Homes Garden Center
Project No.: 71524
Engineer: Warren Anderson, AIA
Phone No.: 889-6933

ACTION REQUESTED:
CRG Plan Review (Meeting Waived) :XX W-91-179
CRG Plan Refinement Review :
CRG Non-Material Amendment Review :
CRG Plan Approval Extension Review :
Panhandle Minor CRG Plan Review :
Minor Subdivision Review :
Pre-Approved Building Permits: No

Please provide separate comments for Building Permits.
NOTE: Please detail any comments where permit cannot be approved, but subdivision approval is acceptable.

Please review the attached plan for compliance with current regulations and return comments to our office by 12/17/91. If you have no comments or do not need to review this plan, please indicate by placing your initials here.

Thank you for your attention to our request.

SDW:mmm
cc: File

MARYLAND HOMES GARDEN CENTER
M-91-179

CRT Waiver Plan Review
Plan Date: 11/12/90
Comments For: 12/17/91
Comments Date: 12/3/91
Comments Completed: 12/6/91

As stated on the plan, this site is the subject of zoning case #90-106-A which was granted on 2/1/91 by the Board of Appeals. A review of the plan for C.R.G. waiver approval indicates that the following issues must be addressed prior to zoning approval:

Section 404.2 (B.C.Z.R.) requires that all accessory buildings, except farmers roadside stands, shall be governed by the principal building setback for the zone. Section 102.2 and C.M.D.P. (V.B.2) requires minimum building separations which comply with the attached Table 5-4. Show front building orientation and be aware that the proposed building is located in the required yard area for the existing and proposed greenhouses and a zoning variance public hearing will be required for these deficiencies. Also be aware that this plan is not in agreement with Petitioner's Exhibit #1 as required in the Board of Appeals Order.

Since the changes have been made after the public hearing decision, a red-lined plan must be prepared and the cover letter must be addressed to the Zoning Commissioner requesting whether or not the itemized changes are within the spirit and intent of the original plan and Order. The changes to the plan include, but are not necessarily limited to, the removal and addition of buildings in locations other than as approved.

Once these comments have been addressed, revised plans may be submitted for further zoning review.

Any requests for further information from the Zoning Office must include a reference to the waiver file #M-91-179 and written correspondence or revised plans must be accompanied by a copy of these comments.

JOHN J. LEWIS
PLANNER II

JLL:scj

cc: Current Planning
Zoning File - 90-106-A
Waiver File

OTHER PRINCIPAL BUILDING SETBACKS- reference section 1B02.2.B (BC2R)
(combine facing yard setbacks for the required distance between other principal buildings) (see section 102.2 (BC2R))

V.B.2 SETBACK STANDARDS FOR PRINCIPAL
BUILDING PERMITTED IN ANY D.R.
ZONE OTHER THAN FOR RESIDENTIAL
USE

Principal buildings other than for residential use situated in any D.R. Zone shall conform to the setback standards as set forth in Table 5-4.

TABLE 5-4. BUILDING SETBACK STANDARDS

	DR-1	DR-2	DR-3.5	DR-5.5	DR-10.5	DR-16
Front yard	70	60	50	40	25	30
Side yard						25
Interior, one	40	30	20	20	20	
both	80	60	40	40	40	
Corner, street side	65	50	35	35	35	
both	105	80	55	55	55	
Rear yard	50	40	30	30	50	30

V-7

WEINBERG AND GREEN
ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-2773

10480 LITTLE PATUXENT PARKWAY
SUITE 950
COLUMBIA, MARYLAND 21044-3506
(301) 740-8500
TELECOPIERS
(301) 332-8862
(301) 332-8863
WRITER'S DIRECT DIAL NUMBER
(301) 332-8787

May 25, 1989

RECEIVED
MAY 30 1989
ZONING OFFICE

Mr. John Sullivan
Zoning Technician
Zoning Office, Room 107
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Item No. 515
Petitioner: Maryland Homes for Handicapped, Inc.
Petition for Zoning Variance

Dear Mr. Sullivan:

In accordance with your request during our Tuesday, May 23, 1989 Petition filing conference, I am enclosing three (3) copies of the property description for 8734 Gerst Avenue (Zoning Item No. 515).

Please note that references to "east side of Gerst Avenue" have been changed to "west side of Gerst Avenue" to conform with the Plat to Accompany Zoning Petition delivered to you on May 23, 1989.

Thank you again for your assistance in this matter. As always, please do not hesitate to call me (332-8787) or Bob Cannon (332-8816) if you have any questions or require any additional information in connection with this Petition.

Very truly yours,

Steven C. Hilsee

265/csg

Enclosure

cc: Mr. David H. Wamsley (with enclosure)
Robert W. Cannon, Esquire

WEINBERG AND GREEN
ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-2773

10480 LITTLE PATUXENT PARKWAY
SUITE 950
COLUMBIA, MARYLAND 21044-3506
(301) 740-8500
TELECOPIERS
(301) 332-8862
(301) 332-8863
WRITER'S DIRECT DIAL NUMBER
(301) 332-8787

September 14, 1989

RECEIVED
SEP 18 1989
ZONING OFFICE

Mr. John J. Sullivan, Jr.
Planning & Zoning Associate III
Zoning Office, Room 107
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 90-106-A
Petitioner: Maryland Homes for Handicapped, Inc.
Petition for Zoning Variance

Dear Mr. Sullivan:

In accordance with our telephone conversation earlier today, this will confirm certain technical corrections to the Petition for Zoning Variance filed in connection with the captioned case (Case No. 90-106-A).

You informed me that you had reviewed this matter with Mr. Carl Richards and Zoning Commissioner Haines. Because this will be the responsibility of Deputy Zoning Commissioner Nastarowicz, you also reviewed this with the Deputy Zoning Commissioner and we have been asked to send this letter.

The Zoning Office has determined that the following two (2) technical correction need to be made to the Petition:

1. The reference to "a 10 ft. setback" contained in the first paragraph of the Petition will now read "a 10 ft. rear setback"; and

2. The phrase "10 ft. and 50 ft. respectively" at the end of the inserted text in the first paragraph will now read "30 ft. and 50 ft. respectively."

In addition, the Petition currently requests a 5 foot distance between buildings in lieu of the "required 16 ft." and cites BC2R Section 1B02.2.B and Comprehensive Manual of

MICROFILMED

WEINBERG AND GREEN

Mr. John J. Sullivan, Jr.
September 14, 1989
Page 2

Development Policies ("CMDP") Section VB2. Our office may have an outdated version of the CMDP because the 16 foot distance between buildings for non-residential uses does not appear to be referenced. We are in the process of updating our CMDP and will verify this information. We will contact you only if we are unable to confirm the 16 foot distance and CMDP citation.

Finally, this will confirm that Robert W. Cannon, Esquire of our office will be assuming primary responsibility for representation of the Petitioner in this case. Mr. Cannon entered his appearance on the original Petition (bottom of first page of the Petition). Mr. Cannon's address and phone number are:

Robert W. Cannon, Esquire
100 South Charles Street, 14th Floor
Baltimore, Maryland 21201
(301) 332-8816

Thank you again for your responsiveness and assistance in clarifying these technical corrections.

Very truly yours,
Steven C. Hilsee
Steven C. Hilsee

1023p/0265/sch

cc: Hon. Ann M. Nastarowicz, Deputy Zoning Commissioner
(Case No. 90-106-A)
Robert W. Cannon, Esquire

WEINBERG AND GREEN
ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-2773

10480 LITTLE PATUXENT PARKWAY
SUITE 950
COLUMBIA, MARYLAND 21044-3506
(301) 740-8500
TELECOPIERS
(301) 332-8862
(301) 332-8863
WRITER'S DIRECT DIAL NUMBER
(301) 332-8816

October 25, 1989

The Honorable Ann M. Nastarowicz
Deputy Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: 8734 Gerst Avenue
Case No. 90-106-A

Dear Commissioner Nastarowicz:

At the time of the hearing on the referenced matter, you asked us to keep you advised as to the progress of Maryland Homes for the Handicapped in securing the grant from Baltimore County. At the time of the hearing, a three week time table was suggested.

Things are taking a bit longer than anticipated at the time of the hearing and we will provide further detail concerning the grant as soon as it becomes available.

Please let me know if you have any questions.

Sincerely yours,

Robert W. Cannon

081/pg

cc: Mr. David H. Wamsley

RECEIVED
OCT 28 1989
ZONING OFFICE
MICROFILMED

WEINBERG AND GREEN
ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-2773

10480 LITTLE PATUXENT PARKWAY
SUITE 950
COLUMBIA, MARYLAND 21044-3506
(301) 740-8500
TELECOPIERS
(301) 332-8862
(301) 332-8863
WRITER'S DIRECT DIAL NUMBER
(301) 332-8816

February 7, 1990

The Honorable Ann M. Nastarowicz
Deputy Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: 8734 Gerst Avenue
Case No. 90-106-A

Dear Commissioner Nastarowicz:

This letter is intended to serve as a report on the progress Maryland Homes for Handicapped has made in connection with securing a grant from Baltimore County. I have been advised that the County Council has approved the contract which will result in \$45,000.00 of Community Development Block Grant Funds.

The purposes of these funds are to upgrade the building known as the potting shed and install a bathroom with water and sewer lines. This will allow this facility to meet Department of Health and Mental Hygiene licensure requirements. In addition, the grant specifies that the fund should be used to bring the property into compliance with local landscaping and community standards.

The following specific improvements are planned to address the concerns expressed by neighbors:

1. A temporary gravel swale will be created which will divert water flow from going down the driveway. On or about August 15, 1990, this will be replaced with a permanent drainage ditch, and the driveway will be asphalted with a swale or rise in the blacktop to re-divert the drainage from numerous properties in the area into a drainage ditch, which will connect with the Baltimore County storm drains and sewer systems along Gerst Avenue. This will be completed as the approvals from Baltimore County permit.

MICROFILMED

WEINBERG AND GREEN

The Honorable Ann M. Nastarowicz
February 7, 1990
Page 2

2. On or about June 1, 1990, Maryland Homes will have substantially completed an eight foot high fence (or a fence to the maximum height permitted) between the property of 8730 and 8732 Gerst Avenue. This fence will be on a one foot setback.

3. On or about July 15, 1990, Maryland Homes will fence the back property of 8728 and 8730 Gerst Avenue, which joins onto their property line at 8732 as the common property line. All fences will be alternating board fences with cut edges. The fences will initially be left natural, and if they do not produce consistent weathering, they will be stained with a clear finish.

4. The buildings located to the south of the Greenhouses have been removed.

Representatives of Maryland Homes have met with the community on many occasions and have provided them with written materials. Their input is reflected in the program set forth.

Please let us know if there is any further information or detail which you need to proceed with the issuance of an order.

Very truly yours,

Robert W. Cannon

AZZ40/081/pg

cc: Mr. David H. Wamsley

MICROFILMED

PROPERTY OF
ROBERT DANKSBERGER 1W
325 68ST AVE
HOLLYWOOD FLORIDA 33024
DANKS CO. INC.
4101 N. 11TH

